IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1201 OF 2005

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

Mr Suresh Gole for the Appellant.
None for the Respondents.

CORAM : A.S. OKA, J.
DATE : MARCH 03, 2006.

P.C.:

1. Heard Shri Gole for the Appellant. The Appeal is preferred by the original Plaintiffs. The suit for declaration and permanent injunction filed by the Appellant-Plaintiff has been dismissed by the impugned Judgment and Order. After consideration of evidence, the learned Trial Judge has held that the Appellant-Plaintiff has failed to prove his title to the disputed area of 2000 sq.yds. The case of the plaintiff as regards title to the said area of 2000 sq.yards is based on Deed of Lease dated 09th July, 1967 and Agreement

for Sale of the same date executed by one D’Mello. The finding of the Trial Court is that there is no sale deed executed in favour of the Appellant. Further finding of the Trial Court is that the vendor of the Appellant was not the owner of the property. In view of this position which cannot be disputed, no fault can be found with the view taken by the learned Trial Judge. There is no merit in the First Appeal and the same is dismissed with no orders as to costs.

JUDGE